



A Siemens Company

January 8, 1993

Office of the Secretary  
ATT: Ms. Donna Searcy  
Federal Communications Commission  
1919 M Street, NW  
RM. 222  
Washington, DC 20554

Subject: Comments Regarding ET Docket 92-9 RM-7981, RM-8004

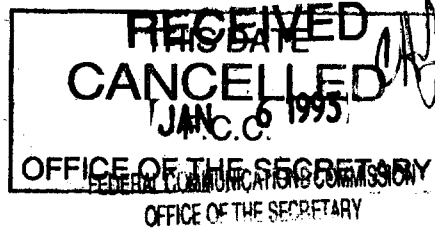
Dear Ms. Searcy,

ROLM is pleased to present the enclosed comments (1 original, 9 copies) relating to the First Report and Order and Third Notice of Proposed Rule Making; ET 92-9, RM-7981, RM-8004. We would like these comments to be considered during the Commission's deliberations on the rulings to be enacted which will impact these new wireless services.

Sincerely,  
ROLM

Steven Sivitz  
Program Manager - Wireless Systems

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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|--|---|----------------|
| In the Matter of:                      | ) |                |
| Redevelopment of Spectrum to Encourage | ) | ET Docket 92-9 |
| Innovation in the Use of New           | ) | RM.-7981       |
| Telecommunications Technologies        | ) | RM.-8004       |

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Comments of ROLM

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**I. Introduction**

ROLM is pleased to comment on certain topics relating to the above captioned proceeding. As a matter of background, ROLM is a major manufacturer of private business communications systems in the United States, with associated interests extending worldwide. As will be provided below, ROLM is interested in the essential elements of this Emerging Technologies proceeding (Notice) which impact the development and deployment of unlicensed personal communications services (PCS). These positions are believed to be reasonable, with a goal of facilitating the Federal Communications Commission (FCC or Commission) eventual rule making.

**II. An Even Handed Approach To Reaccommodating The Fixed Microwave Users To Alternative Frequencies Or Transmission Media Is An Essential Ingredient For The Deployment Of PCS.**

It is ROLM's belief that adoption of Telocator's transition framework<sup>1</sup> is an equitable approach for reaccommodating the fixed microwave users. ROLM does hold a contrary position to item number 5<sup>2</sup> which correlates with the Commission's intent to exempt systems licensed to public safety and local governing bodies from mandatory relocation<sup>3</sup>.

It is generally accepted that unlicensed devices cannot operate on a co-primary basis with fixed microwave<sup>4</sup>. By exempting a community of microwave users, the FCC will, at a minimum, severely handicap the implementation of unlicensed products and services nationwide. Either certain geographic regions will not be conducive to unlicensed service, thus shrinking the market; or organizations having nationwide facilities will be reluctant to incorporating wireless technologies in a patchwork fashion, also reducing the market potential. Furthermore, this type of regulatory fiat will eliminate the benefits of user provided PCS to a

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<sup>1</sup> First Report & Order and Third Notice of Proposed Rule Making, ET Docket 92-9, Appendix C.

<sup>2</sup> Id., pg. 33.

<sup>3</sup> Id., para. 26.

<sup>4</sup> Amendment of the Commission's Rules to Establish New Personal Communications Services, GEN Docket No. 90-314 & ET Docket 92-100; Comments by Wireless Information Networks Forum at pg. 3-5, Telocator at pg. 20, ROLM at pg. 19-20, Northern Telecom at pg. 19, California Microwave at pg. 2, Motorola at pg. 41-42, North American Telecommunications Association at pg. 10.

significant portion of the marketplace, i.e. public safety and government employees, having substantial needs for real time, tetherless communications.

As an alternative to exempting this select group of microwave systems, it would be more appropriate to make them priority candidates for re-location to the Federal Government frequencies at 1710 MHz, which are apt to be lightly loaded in the areas of Part 94 concentration. A total exemption of these users provides no inducement for them to voluntarily negotiate relocation. An alternative link, at comparable frequencies should be adequate incentive for them to accommodate the emerging technologies.

**III. If The FCC Aspires To An Early Introduction Of Unlicensed Services, Then a Transition Period Of No More Than One Year Is Necessary.**

Accepting the requirements of "payment of all relocation expenses...and demonstrat[ion] that the new facilities are comparable to the old..."<sup>5</sup>, a transition period of more than one year will be detrimental to the PCS industry. Even the American Petroleum Institute, whose members are major

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<sup>5</sup> First Report & Order and Third Notice of Proposed Rule Making, ET Docket 92-9, at para 24.

occupants of the proposed band, supports the one year transition of Part 94 users out of the unlicensed band<sup>6</sup>.

Any delays in introducing products or services to the market compounds development expenses and retards the financial return-on-investment. Additionally, international competitiveness will be sacrificed for no apparent reason -- American industry is already playing catch-up! By encumbering the developers of unlicensed technologies with unreasonable transition timeframes plus regions not conducive to any type of user provided services, most manufacturers will need to reevaluate the economic viability of this market.

The Commission's well stated transition intentions are to assure that the essential communications of public safety and utility services are preserved, either within the 2 GHz band or via alternatives. Adopting stringent regulations to accomplish this objective, will likely have an adverse impact on the emerging technologies.

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<sup>6</sup> Amendment of the Commission's Rules to Establish New Personal Communications Services, GEN Docket No. 90-314 & ET Docket 92-100; Comments by American petroleum Institute, at pg. 16.

**IV. Reimbursement of Transition Expenses Needs To Follow Concise Guidelines Which Are Fair To Both Parties.**

When it is necessary to migrate fixed services, because of interference or constraints on PCS capacity, due to lack of clear bandwidth, the PCS beneficiaries should be responsible for reimbursing the incumbents for the incurred relocation costs. The financial settlements should be limited to direct expenses, such as frequency dependent equipment, site engineering and application fees or the cost of interface equipment to alternative media such as cable (fiber optic).

If the parties cannot reach agreement on the transition plan and associated costs, it is reasonable to assume that a contentious situation exists. In order to prevent a new service from being held hostage to exorbitant transition settlements, or the incumbent being forced to accept an inadequate alternative, the two parties should have the plan evaluated by an independent expert. Both parties need to agree that the expert's recommendation is binding. Review of contentious plans by the FCC should only be pursued as last resort. Clear guidelines need to be instituted, which stipulate the conditions under which the Commission will become involved.

There are additional benefits to this reimbursed transition concept. Those fixed services that upgrade will likely do so to leading edge technology and will have most of the costs

associated with the new systems offset by PCS reimbursements. Furthermore, the transitions will be a catalyst for growth in the microwave equipment market.

**V. The Unlicensed Industry Supports A Unified Approach to Transition Negotiations.**

The three primary associations -- WINForum, North American Telecommunications Association and Telocator -- speaking on behalf of the unlicensed industry, recommend the use of a single entity to negotiate the microwave reaccommodation<sup>7</sup>.

The entity's primary responsibilities would be to:

- secure administration and transition funds;
- negotiate Part 94 transitions;
- specify, install and verify alternative transmission facilities.

Industry has commenced discussions regarding the scope and charter of the negotiating body and is examining the various mechanisms of organization and capitalization of its activities. It is premature to provide any details to the Commission on scope of the reaccommodation, i.e. number of potential transitions, costs and timeframe. These hinge on the amount of spectrum allocated.

There is no doubt that the transition costs will run in the tens of millions of dollars; maybe hundreds of millions.

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<sup>7</sup> Id. WINForum at pg. 8, NATA at pg. 12, Telocator at pg. 22.

Therefore, the market size and opportunity has to justify this level of industry exposure. Several avenues of initial transition capitalization are under consideration. The negotiating entity may:

- solicit voluntary contributions from manufacturers;
- borrow from a commercial financial institution.

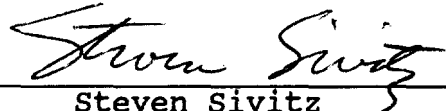
Variants of these two approaches are likely to be identified as the formation process evolves. By necessity, on-going capitalization (or loan repayment) will come from fees associated with individual corporate sales success. In order to make this collaborative approach feasible, the unlicensed regulations need to include participation in the negotiating entity mandatory for equipment authorization. Additionally, the entity needs to be empowered to collect the funds necessary for the transition process, its internal administration expenses and possible partial reimbursement of participation fees.



## VI. Conclusion

Significant progress has been made towards introducing this new generation of radio based communications. Balancing the requirements of the emerging technologies with those of the incumbent licensees has been a forefront concern. The Commission now needs to institute regulations which do not dilute the consumer or business benefits. ROLM believes that its comments relating to Commission's framework for implementing PCS reflect this balance. It is time for definitive actions by the FCC.

Respectfully Submitted:

A handwritten signature in cursive script, reading "Steven Sivitz", is written over a horizontal line.

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January 8, 1993

**Certificate of Service**

I, Steven Sivitz, do certify that on January 8, 1993, copies of the foregoing Comments of ROLM, were mailed via the United States Postal Service, first class, postage prepaid to the persons on the following service list.

A handwritten signature in cursive script, reading "Steven Sivitz", is written over a horizontal line.

Steven Sivitz

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